

To: Members of the Montana Senate Education and Cultural Resources Committee

Re: SB458 - Revise requirements of county superintendent of schools

Date: 2/19/2007

Members of the Montana Senate Education Committee:

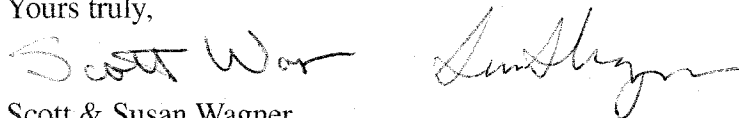
As a homeschooling parents of five children from the Flathead Valley, we rise in opposition to SB458. In the past two legislative sessions, Senator Ryan has reiterated that his proposed legislation regulating home education (SB276 in 2003 & SB291 in 2005) was primarily aimed at those who abuse the current home education law and that he had nothing against home schooling or those parents who choose this route for the best education of their children. However, like these past bills, we believe that SB458 will be detrimental and discriminatory to law abiding Montana citizens who opt to educate their children at home.

According to the current statute (20-5-102. Compulsory enrollment and excuses, item 2), a parent or guardian shall enroll a child in the school of their district within the first week of the school term or when he establishes residence in the district unless the child is enrolled in an nonpublic or home school. SB458 requires a parent to "register" with county superintendent by June 23<sup>rd</sup> in order to home educate their child for the following school year. This imposes a much earlier registration deadline than parents who opt for a public or private school education. It would not allow a parent moving into a new district to home school in that district until the following school year. This bill would also not allow a parent to exercise the option to begin home schooling during the middle of the school year as some have done. This discriminates and unfairly penalizes home educators as opposed to public and private school parents.

SB458 requires that a parent register a home educated child with the county superintendent. We find the "register" requirement to be undefined and extremely vague. The current home school law requires that a parent notify the county superintendent of their intent to home school their child. Complying with this law is not burdensome and already provides the name and address of the children being educated at home. As registration is not clearly defined in SB458, it would allow a superintendent to require whatever they deem necessary to comply. This opens up a "Pandora's box" that allows a superintendent to make registration whatever they wish. In some counties this might just be a name and address, and in other counties it may become a ten page form that must be approved in order for the registration to be considered complete. This places the county superintendent in the position of regulating and approving a home school which could lead to discrimination against an educational philosophy and/or curriculum a superintendent does not personally subscribe to. As a home school is a nonpublic school, this is totally out of the county superintendent's jurisdiction of responsibility.

We find SB458 to be an attack on parental rights in that it restricts the freedom of parents who choose to home educate in Montana. Home schooling has a good track record nationwide and in our state. We fail to understand the desire for additional regulation because of an extremely small minority who may abuse the statute. We already have existing truancy laws for those who abuse or neglect their children. These laws should be enforced rather than place additional requirements on those of us who home school. It is for these reasons that we ask you to vote against and/or table this bill.

Yours truly,



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